

Message Text

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PAGE 01 TEL AV 04640 061629Z

67

ACTION DLOS-06

INFO OCT-01 AF-08 ARA-06 EUR-12 EA-07 NEA-10 ISO-00

ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05

FMC-01 TRSE-00 H-02 INR-07 INT-05 IO-13 JUSE-00 L-03

NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 FEA-01 /158 W

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R 061313Z JUL 76

FM AMEMBASSY TEL AVIV

TO SECSTATE WASHDC 2156

INFO AMEMBASSY CANBERRA

AMEMBASSY DAKAR

AMEMBASSY LIMA

AMEMBASSY NAIROBI

AMEMBASSY OTTAWA

AMEMBASSY SANTIAGO

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FROM OXMAN

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LAW OF THE SEA

1. SUMMARY. THIS CABLE CONTAINS SUMMARIES OF VARIOUS CONVERSATIONS IN GENEVA AND JUALA LUMPUR NOT OTHERWISE REPORTED ON NEXT SESSION OF LOS CONFERENCE. IT INCLUDES MEETING WITH SELECTED MEMBERS OF COASTAL STATE GROUP IN GENEVA (CANADA, CHILE, SRI LANKA, PERU, NORWAY, KENYA, AUSTRALIA), AND BILATERAL DISCUSSIONS WITH CANADA (BEESLEY), CHILE (ZEGERS), SENEGAL (CISSE), SECRETARIAT (ZULETA), AND OTHERS IN KUALA LUMPUR. END SUMMARY.

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PAGE 02 TEL AV 04640 061629Z

2. CONFERENCE PROCEDURES. IT APPEARS COASTAL STATE GROUP DESIRES TO AVOID ITEMIZED VOTING, BUT TO PUSH COMMITTEE 2 (AND POSSIBLY 3), TEXTS AT LEAST TO FORMALIZATION BY END OF SUMMER SESSION IRRESPECTIVE OF WHAT HAPPENS IN COMMITTEE 1. PACKAGE VOTE IN COMMITTEE 2 IS THUS POSSIBLE. BEESLEY BROACHED POSSIBILITY OF SEPARATING COMMITTEE 1, BUT OTHERS FELT THAT THIS WOULD NOT BE POSSIBLE, AND BEESLEY AGREED. ZULETA IS HOSTILE TO IDEA OF INDICATIVE VOTING, AND FEELS IT IS NOT CONSISTENT WITH RULES OF PROCEDURE, SO IDEA WAS PROPOSED AND DROPPED WHEN RULES WERE DEBATED. THERE IS WIDESPREAD VIEW THAT SOME SORT OF GROUP MUST TAKE CONTROL IN COMMITTEE 1, BUT ZULETA WARNS VERY STRONGLY AGAINST OPEN FORMATION OF A CORE GROUP, EVEN IF OTHERS PERMITTED TO ATTEND: "CORRIDOR NEGOTIATION" WILL TAKE PLACE, BUT "EVERYONE WHO COUNTS HAS CAUGHT ON TO YOUR GAME LAST TIME, AND IT CANNOT BE REPEATED." ZULETA IS PROMOTING IDEA OF BREAKING UP WORK IN COMMITTEE 1, IN FORM UNDER ENGO, INTO LEGAL AND FINANCIAL ISSUES; HE SUGGESTS LAUTERPACHT (AUSTRALIA) HANDLE THE FORMER. WITH RESPECT TO THE LATTER, HE IS PROMOTING KASEMSRI (THAILAND), SAYS KOZEMI (IRAN) WOULD BE EXCELLENT IF HE COULD DO IT, AND IS ALSO CONSIDERING VORAH (MALAYSIA). HE FEELS ENGO WILL NOT ACCEPT PINTO, AND THE AFRICANS WILL NOT ACCEPT A LATIN. THERE IS CONSIDERABLE TALK OF A FINAL SESSION IN EARLY 1977, POSSIBLY LIMITED TO FINISHING UP COMMITTEE 1; HOWEVER, ASIDE FROM INDIA, THERE IS NO INDICATION OF STALLING.

3. DEEP SEABEDS. BOTH AUSTRALIA AND SENEGAL AWARE OF CANADIAN PROBLEMS ON ARTICLE 9. CISSE FELT LDC'S SHOULD HELP CANADA. JOGOTA (INDIA) LED ATTACK IN KUALA LUMPUR AGAINST ARTICLE 22 (PARALLEL SYSTEM OF EXPLOITATION), ALTHOUGH HE IS TYPICALLY PREACHING MODERATION AND COMING UP WITH "COMPROMISES" THAT ARE EXTREME. JAGOTA WAS JOINED BY VANDUPUYE (GHANA), KOZEMI (IRAN), AND YUSUF (INDONESIA). HOWEVER, DISCUSSION WAS CONFUSED BY AALCC SECRETARIAT READING OF ARTICLE 22 AS ESTABLISHING 3 RATHER THAN 2 SYSTEMS OF EXPLOITATION, WITH MUCH DEBATE CENTERED ON CLARIFYING THAT ISSUE. (THIS MAY HAVE HAD FORTUITOUS EFFECT OF FOCUSING ATTENTION ON PUNCTUATION

CONFIDENTIAL

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PAGE 03 TEL AV 04640 061629Z

CHANGES IN ARTICLE 22 TO ACHIEVE INTENDED RESULT). SAME GROUP ATTACKED FREE PROSPECTING REGIME, DESPITE LAUTERPACHT'S ATTEMPT TO POINT OUT THAT ANNEX 1, PARA 12, MEETS CONCERNS IN THIS REGARD. (IT ALSO APPEARS THAT JAGOTA IS RUNNING FOR THE ILC THIS FALL, AND MAY BE ATTEMPTING TO UNDERCUT PINTO (WHO IS SEEKING REELECTION) WITH THE AFRICANS BY ASSOCIATING HIM WITH THE REVISED SNT AND COMPROMISES WITH US. AT THE LEAST, THE SRI LANKAN REPRESENTATIVE SEEMED

WORRIED, AND WARNED THAT JAGOTA'S REAL EFFORT MAY BE TO STIMULATE US AND INDUSTRIALIZED STATES TO SURFACE IN PUBLIC CAMPAIGN FOR PINTO.) ZULETA, IN PRIVATE CONVERSATION WITH OXMAN, SHARPLY ATTACKED US PROPOSAL ON FINANCIAL ARRANGEMENTS AS AN UNHEARD-OF-WINDFALL FOR COMPANIES; HE PARTICULARLY ATTACKED COMPUTATION OF RETURN ON INVESTMENT FOR FULL LIFE OF CONTRACT ON BASIS OF ORIGINAL RATHER THAN DEPRECIATED INVESTMENT. APPARENTLY HIS DAUGHTER, NOW AT COLUMBIA UNIVERSITY IN NEW YORK, STIMULATED THIS VIEW. LAUTERPACHT ARTFULLY PUSHING ARGUMENTS FOR ARBITRATION FOR CI DISPUTES WITHOUT SAYING THIS IS HIS VIEW.

4. HIGH SEAS STATUS OF ECONOMIC ZONE. MOST DELEGATIONS LISTENING TO US ARGUMENTS WITHOUT COMMENT. BEESLEY SPECIFICALLY STATED THAT CANADA AND US HAVE OPPOSITE POSITIONS ON THE ISSUE, BUT TOWARD END OF CONVERSATION SEEMED TO BE SEARCHING FOR COMPROMISE FORMULA. ATTORNEY GEN. KADIR OF MALAYSIA SAID HE AGREED WITH OUR ARGUMENTS. ZEGERS OF CHILE STILL DIFFICULT ON ISSUE. NORWAY (VINDENESS) TRYING TO HELP.

5. SCIENTIFIC RESEARCH. MOST INTERLOCUTORS TAKEN ABACK BY EXTENT OF OUR CRITICISM OF SCIENTIFIC RESEARCH TEXT, BUT ARE SAYING LITTLE. HOWEVER, AMBASSADOR ARIAS SCHREIBER OF PERU SAID IN FRONT OF OTHERS THAT IF THAT IS THE US ATTITUDE, PERU WILL STOP ALL US SCIENTIFIC RESEARCH OFF ITS COAST. WE RETORTED THAT THIS IS PRECISELY OUR POINT; SCIENTIFIC RESEARCH SHOULD NOT BE STOPPED BECAUSE YOU DON'T LIKE WHAT THE FLAG STATE IS SAYING.

6. DISPUTE SETTLEMENT: LEADING MEMBERS OF THE COASTAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 TEL AV 04640 061629Z

STATE GROUP APPEAR READY TO ACCEPT CHILEAN IDEA THAT THERE WOULD BE COMPULSORY DISPUTE SETTLEMENT IN ECONOMIC ZONE FOR INTERFERENCE WITH NAVIGATION, OVERFLIGHT, AND COMMUNICATION, AND FOR FAILURE TO MEET ENVIRONMENTAL DUTIES, BUT NOT RPT NOT FOR FISHERIES. IT SEEMS KENYA (NJINGA) MAY BE READY TO GO ALONG WITH THIS.

7. ADDITIONAL COUNTRY COMMENTS:

A. SENEGAL. CISSE TOLD AMBASSADOR LEARSON THAT SENEGAL'S OVERRIDING INTEREST IS IN FISHERIES AND STRONG COASTAL STATE JURISDICTION. HE HOPES TO SPEND MORE TIME IN COMMITTEE 1, HOWEVER.

B. CANADA. THERE IS NO RESPONSE YET ON STRAITS/ARCHPELAGOES. DESPITE APPEARANCE OF REASONABLENESS, BEESLEY WAS DIFFICULT ON SUBSTANTIVE ISSUES. BEESLEY SUGGESTED

POSSIBILITY OF BILATERAL MEETING IN NORTH AMERICA DURING WEEK OF JULY 12. REQUEST DEPARTMENT CONTACT CANADIAN EMBASSY WITH INQUIRY, BUT WITHOUT SEEMING OVERLY EAGER.

C. AUSTRALIA. LAUTERPACHT CLEARLY RELISHES IDEA OF MAJOR ROLE IN COMMITTEE 1, SINCE HE WAS "BORED BEING LEFT ON THE PERIPHERY." HOWEVER, HE MUST BE AT THE HAGUE FROM AUGUST 5 TO 10, BUT MAY COME TO NY FOR FIRST 2 DAYS OF SESSION. LAUTERPACHT DID NOT KNOW OF AUSTRALIAN DEMARCHE IN WASHINGTON ON ARTICLE 9 NICKEL PROBLEM, AND AGREED THAT INTERPRETATION THAT ARTICLE LIMITED LAND-BASED PRODUCTION WAS INCORRECT. LAUTERPACHT BRIEFED ON JAKARTA DISCUSSIONS.

D. KENYA. NJENGA WAS MORE MODERATE ON ECONOMIC ZONE AND DISPUTE SETTLEMENT. HE IS PLANNING MORE ACTIVE ROLE IN COMMITTEE 1.

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